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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,472	01/15/2004	Adrian P. Stephens	42P18153	7600
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INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER HUYNH, NAM TRUNG	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/759,472

Applicant(s)

STEPHENS ET AL.

Examiner

Nam Huynh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-15 and 21 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 11/8/2007. Of the previously presented claims 1-26, claims 1-6, 18-20, and 24-26 have been cancelled.

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Claims 21-23 recite "A machine-readable medium", however the medium is not defined in the specification. Correction of the specification is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-10, 15, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sinnarajah et al. (US 2004/0131075) (hereinafter Sinnarajah).

Regarding claim 7, Sinnarajah teaches an apparatus comprising a first electronic device (figure 1, base station or BSC/PCF) adapted to:

organize multiple second electronic devices (subscriber stations) into a group having similar predicted durations for data transmissions (pages 4, 9, paragraphs 57,

97, the group is organized with the broadcast of the overhead message that includes a multicast group (GROUP\_ID) and the predicted durations is rendered by the traffic channel assignments, channel identification, Walsh code, data rate, and any other assignment information for the subscriber stations), and

transmit polls substantially simultaneously to ones of the second electronic devices in the group (page 4, paragraph 57, the overhead message is sent as a broadcast, or is polled "substantially simultaneously" to the subscriber stations).

Regarding claims 8, 9, Sinnarajah teaches that the first electronic device is further adapted to receive the data transmissions from the second electronic devices within the group substantially simultaneously (page 4, paragraph 58, the subscriber stations transmits a response or acknowledgement to the broadcast overhead message).

Regarding claim 10, Sinnarajah teaches that the first electronic device is further adapted to transmit polls to other second electronic devices within another group substantially simultaneously (page 4, paragraph 59, two groups are being notified of the multicast call GROUP\_IDx and GROUP\_IDy).

Regarding claims 15 and 21, the limitations are rejected as applied to claim 1. Sinnarajah further teaches the forming of two different groups subsequently (pages 4, 5, paragraph 60).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnarajah et al. (US 2004/0131075) (hereinafter Sinnarajah) as applied to claim 7 above, and further in view of Naden et al. (US 2003/0129985) (hereinafter Naden).

Regarding claims 11, 12, Sinnarajah discloses the limitations set forth in claim 7, but does not explicitly disclose that the first electronic device is further adapted to receive the predicted durations in transmissions from the second electronic devices. Naden discloses mobile mobile terminals that transmit signals encoded with unique spreading sequences (predicted durations) to a base station (page 5, paragraph 64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sinnarajah to allow the subscriber stations to send predicted durations in response to the overhead message so that the access network element to properly determine the proportion of spectrum that must be set aside for providing communications to the group.

Regarding claim 13, Naden discloses that the base station comprises multiple antennas (page 3, paragraph 45).

Regarding claim 14, it is further obvious to one of ordinary skill in the art that base stations include modulators/demodulators.

***Allowable Subject Matter***

7. Claims 16, 17, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims 7-17 and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH  
2/1/08

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER